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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/039,176 03/13/98 RINES

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81 NORTH STATE STREET
CONCORD NH 03301

LM02/0817

EXAMINER

DAVIS, D

ART UNIT

PAPER NUMBER

2754

DATE MAILED:

08/17/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/039,176

Applicant
Rines et al

Examiner
David D. Davis

Group Art Unit
2754



☒ Responsive to communication(s) filed on Jun 4, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 12-22 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 12-22 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 12, 15-18 and 21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hale (US 4,713,801).

Claim Rejections - 35 U.S.C. § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 13, 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hale (US 4,713,801) in view of Sano (JP 63-14526). As per claims 12, 15-18 and 21, Hale discloses in column 5, lines 23-30 and shows in figures 1 a combined vehicle entertainment audio-tape player and tape recorder cassette deck system provided with playback/recording head and audio amplifier means and respective vehicle loudspeaker and recording microphone having a dictation-recording switch selectively actuatable by the vehicle driver for energizing the recorder to enable the driver to dictate locally in the vehicle into the microphone and locally to record the driver dictation on a cassette tape.

However, concerning claims 13, 19 and 22, Hale is silent as to a driver-operated switch control located at the steering wheel structure.

Sano discloses driver-operated switch controls 8 and 9 located at the steering wheel structure of a vehicle.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the device of Hale with a switch disposed in the steering wheel region as taught by Sano.

The rationale is as follows: one of ordinary skill in the art would have been motivated to facilitate easy access of the switching means in order to ensure correct operation.

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5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hale (US 4,713,801) in view of Sano (JP 63-14526) as applied to claim 13 above, and further in view of Sato et al (US 4,342,106). As per claim 13, Hale as modified by Sano discloses the claimed invention. See section 4, supra.

However, concerning claim 14, Hale is also silent as to voice activated switches. Sato et al discloses a driver actuated switch effected by the driver via voice-command actuated switches.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the tape deck of Hale with voice command capabilities as taught by Sato et al.

The rationale is as follows: one of ordinary skill in the art would have been motivated to control the tape deck without using one's hands in order to decrease distractions especially while driving.

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hale (US 4,713,801) in view of Sato et al (US 4,342,106). As per claims 12, 15-18 and 21, Hale discloses in column 5, lines 23-30 and shows in figures 1 a combined vehicle entertainment audio-tape player and tape recorder cassette deck system provided with playback/recording head and audio amplifier means and respective vehicle loudspeaker and recording microphone having a dictation-recording switch selectively actuatable by the vehicle driver for energizing the recorder to

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enable the driver to dictate locally in the vehicle into the microphone and locally to record the driver dictation on a cassette tape.

However, concerning claim 20, Hale is also silent as to voice activated switches.

Sato et al discloses a driver actuated switch effected by the driver via voice-command actuated switches.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the tape deck of Hale with voice command capabilities as taught by Sato et al.

The rationale is as follows: one of ordinary skill in the art would have been motivated to control the tape deck without using one's hands in order to decrease distractions especially while driving.

Response to Arguments

7. Applicants' arguments filed June 4, 1999 have been fully considered but they are not persuasive. In page 6, applicants assert the following:

Now, as a catch-all, Hale put in a mention that dictation in the car might also be possible: "the tape player/recorder of this invention may also include a microphone jack or plug designed to accommodate a hand-held microphone for purposes of recording dictation while in transit." Hale does not, however, show where any such jack or plug can actually be electrically connected in the circuit of Fig. 2, how it becomes operable, or what controls it.

Whether or not Hale shows "where any such jack or plug can actually be electrically connected in the circuit of Fig. 2, how it becomes operable, or what controls it", is not germane. Hale clearly

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states, as quoted by applicant, that “the tape player/recorder of this invention may also include a microphone jack or plug designed to accommodate a hand-held microphone for purposes of recording dictation while in transit.”

On page 8, applicants assert that “Claims [sic] 12 clearly requires the microphone and its special recording amplifying components to be ‘added and permanently integrated in the player tape deck’”. As stated above Hale discloses a microphone added and integrated or joined to the “player tape deck”, and this integration is lasting or permanent.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Davis whose telephone number is (703) 308-1503.

A handwritten signature in cursive script, appearing to read 'D. Davis', written in black ink.

David D. Davis
Primary Examiner
August 15, 1999